

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MITCHELL KEITH GOODRUM,

Plaintiff,

v.

10TH JUDICIAL DISTRICT COURT, *et al.*,

Defendants.

Case No. 3:24-cv-00011-MMD-CSD

ORDER

Pro se Plaintiff Mitchell Keith Goodrum, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), sued various courts, judges, and an attorney involved in a habeas proceeding. (ECF No. 1-1 (“Complaint”).) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 5), recommending that the Court dismiss this case with prejudice because Goodrum attempts to sue entities who are immune from suit given the allegations in his Complaint, so amendment would be futile. To date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R.

Because there is no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). As noted, in the R&R, Judge Denney recommends dismissing the Complaint with prejudice because the various entities Goodrum seeks to sue are immune from suit either under the 11th Amendment, the doctrine of judicial immunity, because they are not persons subject to suit under 42

1 U.S.C. § 1983, or are otherwise entitled to immunity. (ECF No. 5 at 3-9.) However, Judge
2 Denney also recommends granting Goodrum's application to proceed *in forma pauperis*
3 because the information he submitted shows he does not have sufficient resources under
4 the governing law. (*Id.* at 1-3.) Having reviewed the R&R, Judge Denney did not clearly
5 err.

6 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
7 No. 5) is accepted and adopted in full.

8 It is further ordered that Goodrum's application to proceed *in forma pauperis* (ECF
9 No. 4) is granted.

10 However, it is further ordered that Plaintiff is required to pay, through NDOC, an
11 initial partial filing fee in the amount of \$22.37, within thirty days of the date of entry of this
12 order. Thereafter, whenever his prison account exceeds \$10, he is required to make
13 monthly payments in the amount of 20 percent of the preceding month's income credited
14 to his account until the full \$350 filing fee is paid. This is required even though this action
15 is dismissed, and is otherwise unsuccessful.

16 The Clerk of Court is directed to send a copy of this order to the attention of Chief
17 of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson
18 City, Nevada 89702.

19 The Clerk of Court is further directed to file the Complaint (ECF No. 1-1).

20 It is further ordered that the Complaint is dismissed in its entirety with prejudice.

21 The Clerk of Court is finally directed to close this case.

22 DATED THIS 30th Day of April 2024.

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25 MIRANDA M. DU
26 CHIEF UNITED STATES DISTRICT JUDGE
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